

1 HUB LAW OFFICES
Ford Greene, Esquire
2 711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1949
3 Telephone: (415) 258-0360

4 Attorney for Plaintiffs
VICKI J. AZNARAN and RICHARD N. AZNARAN
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 VICKI J. AZNARAN and RICHARD N.
AZNARAN,)

12 Plaintiffs,)

13 vs.)

14 CHURCH OF SCIENTOLOGY OF)
15 CALIFORNIA, INC., et al.)

16 Defendants.)
17 _____)

18 AND RELATED COUNTER CLAIM)
19 _____)

Case No. CV-88-1786-JMI (EX)

NOTICE OF MOTION AND MOTION
TO EXTEND DISCOVERY CUT-OFF
DATE; DECLARATION OF COUNSEL
AND MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF; PROOF OF SERVICE

Date: _____
Time: _____
Dept: Hon. James M. Ideman

Trial Date: April 9, 1991

20 TO: DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTICE that on the _____ day of July, 1990, at

22 _____, or as soon thereafter as the matter may be heard by the

23 Honorable James M. Ideman, Plaintiffs VICKI J. AZNARAN and RICHARD N.

24 AZNARAN, by and through their attorney, Ford Greene, will move this

25 Court for an Order extending the discovery cut-off date in the herein

26 case, which on July 17, 1989, was ordered to be August 1, 1990. Trial

27 is scheduled for April 9, 1991, with a pretrial conference set for

28 March 5, 1991.

EXHIBIT B 062

FORD GREENE, ESQUIRE
711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1949
(415) 258-0360

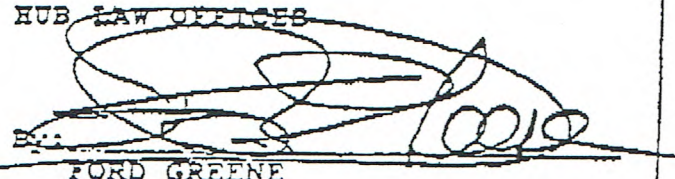
FORD GREENE, ESQUIRE
711 SIX FRANCIS DRIVE BOULVARD
SAN ANGELO, CALIFORNIA 94980-1948
(415) 288-0360

1 The motion is brought pursuant to Rules 6 and 16 of the Federal
2 Rules of Civil Procedure and Local Rule 9.4.8. It is predicated upon
3 the facts that not to extend the discovery cut off date would do
4 injustice to the Plaintiffs, to extend the discovery cut off date
5 would not prejudice defendants and would not in any way jeopardize
6 the schedule for trial previously set by this Court.

7 This Motion is based upon this Notice, the attached Declaration
8 of Counsel and Memorandum of Points and Authorities in Support
9 Thereof, the Court's files and records in this case and any
10 additional, reply or supplemental papers filed in support of the
11 Motion.

12 DATED: June 27, 1990

HUB LAW OFFICES


FORD GREENE
Attorney for Plaintiffs

16 DECLARATION OF FORD GREENE IN SUPPORT OF MOTION

17 TO EXTEND DISCOVERY CUT OFF DATE

18 FORD GREENE, declares:

19 1. I am an attorney licensed to practice law in the courts of
20 the State of California and admitted to practice before this Court.
21 I am the attorney of record for VICKI J. AZNARAN and RICHARD N.
22 AZNARAN, plaintiffs herein.

23 2. On July 17, 1989, this Court ordered that Trial of the case
24 commence on April 9, 1991, that there be a Pretrial Conference on
25 March 5, 1991 and that discovery in the matter be cut off on August
26 1, 1990.

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EXHIBIT B.

063

17100 7 1988
SAN ANGELO, CALIFORNIA 94960-1960
(415) 204-0360

1 3. At this time a number of discovery matters are pending.

2 a. Plaintiffs have served upon each of the four
3 defendants two Requests for Production specifying 109 categories and
4 specific documents to be produced by the Scientology defendants.

5 (1) The original Request for Production was served in
6 June 1988 by Plaintiffs' former counsel shortly before the
7 disqualification of his law firm as Plaintiffs' attorneys of record.
8 The circumstances of the disqualification of Cummins and White
9 resulted a lapse of any follow through with respect to this
10 particular request. I have initiated the meet and confer procedure
11 with respect to this request and anticipate discovery will be
12 vigorously resisted and ultimately the subject of a motion to compel
13 and court order.

14 (2) The Second Request for Production was served on
15 June 25, 1990. I believe this request will also be vigorously
16 resisted and will require a motion to compel and court order.

17 b. On June 25, 1990, Plaintiffs served their First Set of
18 Interrogatories, twenty in number, on each of the four Scientology
19 defendants. I believe this request will also be vigorously resisted
20 and be the subject of a motion and court order.

21 c. Also on June 25, 1990, Plaintiffs served their First
22 Request for Admissions re genuineness of documents on defendants
23 Religious Technology Center and Church of Scientology International.
24 I believe this request too will be vigorously resisted and
25 necessitate a motion to compel and court order.

26 4. After the discovery mentioned above is obtained there will
27 be follow up discovery to be accomplished, including the setting and
28 taking of certain depositions. To date, Plaintiffs have not taken any

EXHIBIT B 064

FORD GREENE, Esquire
711 SIXTH AVENUE BOULVARD
SAN ANSELMO, CALIFORNIA 94060-1948
(415) 250-0350

1 depositions. Not to extend the discovery cut off date will prejudice
2 Plaintiffs' case. Furthermore, discovery can be extended in this case
3 without doing any harm to the date for trial as it is presently
4 scheduled.

5 5. The reasons why plaintiffs have not taken discovery in this
6 matter have to do with the nature of plaintiffs, the nature of
7 defendants, the nature of the litigation and me. Fifteen years of
8 Plaintiffs' lives prior to 1987 were spent serving Scientology and
9 its objectives. After they escaped from Scientology, they struggled
10 to start their own business, Phoenix Investigations, in Dallas,
11 Texas. They do not have much money and of that, very little to invest
12 into financing the costs of this lawsuit. I am a sole practitioner
13 and I, too, have very little money to invest into financing the costs
14 of this lawsuit.

15 Scientology, on the other hand, is comprised of multi-national
16 corporations with a full time legal staff. Its resources are
17 apparently without limit. Thus far, in the instant case and the
18 related state court case entitled Religious Technology Center v.
19 Yanny Los Angeles Superior Court No. C690211, Plaintiffs have been
20 deposed for no less than 21 days. To pay for copies of the deposition
21 transcripts alone has borne heavy on Plaintiffs' meager financial
22 resources.

23 6. At the time I entered the case, I had the gravest of
24 reservations in relation to taking a litigation posture adverse to
25 Scientology. Although I had not litigated against Scientology
26 previously, I knew of its reputation, and the organization alarmed
27 me. However, I saw that Mr. and Mrs. Aznaran had been without counsel
28 for more than one half a year and had been, in my eyes, the victims

EXHIBIT B 065

1 of grave injustice at Scientology's hands. They needed
2 representation.

3 7. Shortly after accepting representation of Plaintiffs in
4 this case, I found that I was surveilled on a daily basis at my
5 office and at my home. Private investigators by car patrolled the
6 street whereon I reside and rented a third floor apartment facing
7 directly across the street from my storefront office from where for
8 two months I was surveilled constantly. My girlfriend was followed
9 and her house broken into. A private investigator contacted a lawyer
10 against whom I have filed suit for professional negligence and lied
11 to him stating that I was the subject of an investigation by the
12 California State Bar and was being sued by many former clients for
13 fraud. Both opposing counsel and former counsel were contacted in an
14 apparent effort to upset my standing in the legal and my reputation.

15 8. The past year and one-half has been financially difficult
16 for me. I needed to concentrate on making enough money to maintain my
17 practice. I did not have the time nor the money to fight back in the
18 manner such conduct merits. I have had to conserve my time and
19 preserve my resources. I have had to practice law and endeavor to
20 make a living. It was my opinion that upon aggressively litigating
21 against Scientology, the level of intimidation and harassment would
22 increase and my ability to maintain the vitality of my practice would
23 suffer. I felt what I needed to do at that time was to concentrate on
24 making sufficient money to pay the bills and to not exacerbate
25 Scientology's already clearly communicated disapproval by
26 aggressively pursuing the Aznaran's case.

27 9. Additionally, in spite of the way in which I would prefer
28 to view myself, the implications of the above stated behavior scared

EXHIBIT B 066

1 me. I was intimidated. I believed then and believe now that such
2 harassment comes from orders issued high within the Scientology power
3 structure and is in line with its notorious "Fair Game Policy"
4 wherein a "Suppressive Person", one who "impedes the advancement of
5 Scientology of any Scientologist",

6 "SP Order. Fair game. May be deprived of
7 property or injured by any means by any
8 Scientologist without any discipline of the
9 Scientologist. May be tricked, sued or lied to
10 or destroyed."

11 As a result of the alarm and fear I felt in consequence of the
12 likelihood of retribution for challenging the power that is
13 Scientology, heretofore I have not taken aggressive action in this
14 case. Although I have successfully defended against a motion for
15 summary judgment, motion for reconsideration, motion for sanctions
16 and a motion for a preliminary injunction (the denial of which
17 Scientology has appealed; my response brief therein is due on July
18 25, 1990), my limited resources of time and money, compared to the
19 unlimited resources of time and money enjoyed by Scientology's
20 counsel, have left me unable to produce discovery requests as quickly
21 as my opponents are able to do. My present quandary is compounded by
22 the fact that Scientology has filed a 47 page brief with the Ninth
23 Circuit Court of Appeals challenging this Court's denial of its
24 motion for a preliminary injunction to which I must respond on or
25 before July 25, 1990, and, in the instant case, have noticed
26 depositions of Plaintiffs' former counsel Barry Van Sickle and his
27 wife and Joseph Yanny and his girlfriend for July 10, July 12, July
28 16 and July 19, 1990, respectively, in Los Angeles.

EXHIBIT B. 067

SAN ANGELO, CALIFORNIA 9460-1918
(415) 868-0380

FORD GREENE, Esquire
711 SIX FRANCIS DRIVE BOULVARD
SAN ANSELMO, CALIFORNIA 94060-1840
(415) 252-0360

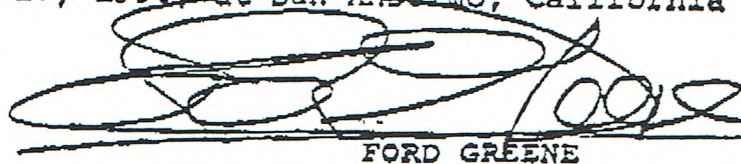
1 Although the foregoing is insufficient as a reason for my
2 previous inaction, it is an excuse, when joined with the other
3 circumstances of this case, which constitutes good cause for this
4 Court to extend the discovery cut off date, particularly when such
5 extension does not threaten the trial date.

6 10. When I saw the imminent approach of the extant discovery
7 cut off date and that my inaction was putting the merits of my
8 clients' most worthy cause at risk, I resolved to put my fear aside
9 and get off my hindquarters and commence litigation. This I have
10 done. What I hereby request is that the Court grant me the
11 opportunity to do the discovery I need to do by extending the cut off
12 date to the time called for in Local Rule 9.4.8, that is, until
13 February 13, 1991.

14 11. I have requested opposing counsel stipulate to an extension
15 of the discovery cut off date. They have refused.

16 Under penalty of perjury pursuant to the laws of the State of
17 California and the United States I hereby declare that the foregoing
18 is true and correct according to my first-hand knowledge, except
19 those matters stated to be on information and belief, and as to those
20 matters, I believe them to be true.

21 Executed on June 27, 1990, at San Anselmo, California

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23
24 FORD GREENE

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EXHIBIT B

068

1 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
2 OF MOTION TO EXTEND DISCOVERY CUT-OFF DATE

3 Rule 16(b) (3) of the Federal Rules of Civil Procedure authorizes
4 the District Court to enter a scheduling order for the completion of
5 discovery. Rule 16 also authorizes the Court to modify its previously
6 set schedule. Rule 6 provides that the Court may extend the time
7 within which an act must be taken provided that the request for such
8 an order is made prior the expiration of the time to be extended.

9 Central District Local Rule 9.4.8 requires that the parties to
10 an action resolve "all outstanding discovery matters with the view
11 that all discovery be completed at least twenty (20) days before the
12 Pretrial Conference. Since the Pretrial Conference is set for March
13 5, 1991, twenty days prior to that date falls on February 13, 1991.

14 The Pretrial Conference in the instant case is set for March 5,
15 1991, and the date for the commencement of Trial is April 9, 1991.
16 Therefore, to extend the discovery cut off date to the time
17 contemplated by Local Rule 9.4.8 in no way will operate to disrupt
18 the trial date.

19 Based upon the foregoing authorities in conjunction with the
20 Declaration of Counsel, it is respectfully submitted there is good
21 cause to modify and extent the discovery cut off date. Thus, on
22 behalf of Plaintiffs it is respectfully requested that the Court
23 grant Plaintiffs' motion to extend the discovery cut off date to
24 February 13, 1991.

Respectfully submitted:

25 DATED: June 27, 1990

HUB LAW OFFICES

26
27 BY: 

FORD GREENE
Attorney for Plaintiffs

28 EXHIBIT B 069

PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents:

NOTICE OF MOTION AND MOTION TO EXTEND DISCOVERY CUT-OFF DATE; DECLARATION OF COUNSEL AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; PROOF OF SERVICE; [Proposed] ORDER

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California: SEE ATTACHED SERVICE LIST

[X] (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.

[] (Personal Service) I caused such envelope to be delivered by hand to the offices of the addressee.

[] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[X] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

DATED: June 27, 1990

Laura Perry
LAURA PERRY
Legal Secretary

EXHIBIT B
070

FORD GREENE, ESQUIRE
711 SIR FRANCIS DRAKE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960-1848
(415) 288-0360

AZNARAN vs. SCIENTOLOGY

Service List of Attorneys for Defendants

HOWARD L. WEITZMAN, P.C.
Wyman, Bautzer, Kuchel & Siebert
Two Century Plaza, 14th Floor
2049 Century Park East
Los Angeles, California 90067

EARLE C. COOLEY
Cooley, Manion, Moore & Jones, P.C.
21 Custom House Street
Boston, Massachusetts 02110

ERIC LIBERMAN
Rabinowitz, Boudin, Standard,
Krinsky & Lieberman, P.C.
740 Broadway at Astor Place
New York, New York 10003-9518

MICHAEL L. HERTZBERG
740 Broadway at Astor Place
New York, New York 10003-9518

LAWRENCE E. HELLER
Turner, Gerstenfeld, Wilk & Tigerman
8383 Wilshire Boulevard, Suite 510
Beverly Hill, California 90211

KENDRICK L. MOXON
Bowles & Moxon
6255 Sunset Boulevard, Suite 2000
Hollywood, California 90028

EXHIBIT B 071